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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/014,342	11/13/2001	William Martin	108-136USA000	5060	
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Statillord, C1	00902		ART UNIT	PAPER NUMBER	
			2876		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Offic Action Summary		Application No.	Applicant(s)			
		10/014,342	MARTIN ET AL.			
	omo Action Gummary	Examin r	Art Unit			
	The MAII ING DATE of this committee	Jared J. Fureman	2876			
Period fo	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any - Status						
1)	Responsive to communication(s) filed on	_·				
2a)□	This action is FINAL . 2b)⊠ Thi	s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠	Claim(s) 1-54 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-54</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)🖾 7	The specification is objected to by the Examiner.					
10) The drawing(s) filed on <u>28 March 2002</u> is/are: a) \square accepted or b) \square objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) U The translation of the foreign language provisional application has been received						
ত্যিত্র Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:						
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DETAILED ACTION

Receipt is acknowledged of the declaration, preliminary amendment and drawings, filed on 3/28/2002, which have been entered in the file. Claims 1-54 are pending.

Drawings

- 1. The corrected or substitute drawings were received on 4/8/2002. These drawings are not acceptable.
- 2. The drawings are objected to because there are two figures labeled 5A and there are two figures labeled 5B (see sheet numbers 6, 11 and 12). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There is no brief description of figures 7D and 7E.

Appropriate correction is required.

Claim Objections

4. Claims 20, 29, 50, and 54 are objected to because of the following informalities:

Re claim 20, line 2: the phrase "(or near)" renders the claim indefinite since it is unclear as to whether "(or near)" is part of the claimed invention, for examination purposes "(or near)" has not been considered. Also, "the" should be

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replaced with --a--, in order to avoid a lack of proper antecedent basis for "the perimeter".

Re claim 29:

Line 2, "provide" should be replaced with --provided--.

Line 4, "the" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the user".

Re claim 50, line 2: the phrase "(or near)" renders the claim indefinite since it is unclear as to whether "(or near)" is part of the claimed invention, for examination purposes "(or near)" has not been considered. Also, "the" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the perimeter".

Re claim 54, line 4: "the" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the user".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-3, 12-19, 29-34, 42-49, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al (US 6,216,953 B1) in view of Kahn et al (US 5,600,121).

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Kumagai et al teaches a bar code symbol reading device and method of transmitting bar code symbol character data to a host computer system, comprising: a hand-supportable housing (body 1) having a light transmission aperture (window 13 having areas 13c and 13d, see figure 101 and column 55 lines 1-14) through which visible light can exit and enter the hand-supportable housing; a laser scanning engine (light source 21, reflection mirror 26, small mirror 26', polygon mirror 22, floor mirrors 23-1 through 23-8, sensor 25), disposed within the hand supportable housing, that selectively operates in one of first and second scan modes, wherein in the first scan mode, the laser scanning engine projects an omni-directional scan pattern through the light transmission aperture (scanning rays a, b and c, see figure 8), detects and decodes bar code symbols on objects passing through the omni-directional scan pattern, and produces symbol character data representative of decoded bar code symbols, and wherein the second scan mode the laser scanning engine projects a single line scan pattern through the light transmission aperture (scan ray a, see figure 9) and detects and decodes bar code symbols on objects passing through the single line scan pattern, and produces symbol character data representative of decoded bar code symbols; a data transmission subsystem (circuitry within the reader body connected to cable 3, for example, see column 14 lines 22-27) in the hand-supportable housing that operates under control of control circuitry (control unit 225 in figure 38, for example) to communicate the symbol character data produced by the laser scanning engine to a host device (an external unit, not shown, see column 14 lines 22-27) operably coupled to the bar code symbol

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reading device; a support stand (see figures 62A and 62B) that supports the hand-supportable housing, and mode selection means (detector 121) integrated with the hand-supportable housing, for selectively operating the laser scanning engine in one of the first scan mode in response to placement of the handsupportable housing in the support stand (see column 40 lines 16-33); wherein the laser scanning engine comprises a laser light source (21), a scanning element (22) and at least one stationary mirror (23-6 or 23-8) that cooperate to project the single line scan pattern through the light transmission aperture in the second scan mode; wherein the laser scanning engine comprises a laser light source (21), a scanning element (22) and a plurality of stationary mirrors (23-1 through 23-8) that cooperate to project the omni-directional scan pattern through the light transmission aperture in the first scan mode (see figure 8); wherein the laser light source, scanning element and a predetermined subset of the plurality of stationary mirrors (mirror 23-6 or mirror 23-8, for example) of the laser scanning engine cooperate to project the single scan pattern through the light transmission aperture in the second scan mode (see figure 9); control circuitry (control unit 225) that operates, in the second scan mode, to control power of the laser light produced by the laser light source; wherein the control circuitry operates, in the second scan mode, to control the duty cycle of the laser light to selectively enable the laser light source to produce laser light only when the light produced therefrom is directed by the scanning element onto the predetermined subset of stationary mirrors (mirror 23-8); wherein the control circuitry operates. in the second scan mode, to control power of the laser light such that the laser

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light source produces normal power laser light when the light produced therefrom is directed by the scanning element onto the predetermined subset of stationary mirrors (23-8), and the laser light source produces significantly lower power light when the light produced therefrom is not directed by the scanning element onto the predetermined subset of stationary mirrors (see figures 38-40, column 30 line 17 - column 31 line 6); wherein the scanning element comprises a rotating light directing element (a polygon mirror) having a rotation cycle and the control circuitry derives timing signals synchronized to a particular interval in the rotation cycle of the rotating light directing element wherein the rotating light directing element directs light produced from the laser light source onto the predetermined subset of stationary mirrors; wherein the timing signals are derived from a position sensor (221) integrated into a rotating portion of the rotating light directing element (see column 30 lines 17-26); a set of color-encoded light sources (indicators 16a and 16b) provided on the exterior of the handsupportable housing for sequentially generating a set of visually-perceptible state indication signals that visually indicate to a user the various states of operation (for example, the state of whether or not a bar code has been read normally), wherethrough the device automatically passes during each instance of automatic bar code symbol reading in accordance with the present invention; wherein the device, when placed in the support stand, operates in the first scan mode of operation as a stationary hands-free projection scanner, and wherein the device, when removed from the support stand operates in the second scan mode of operation as a portable hand-held scanner (see figures 6-9, 13A-13C, 38,

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column 14 line 3 - column 18 line 60, column 30 lines 17-27, column 40 lines 16-33).

Kumagai et al fails to specifically teach a manually-activated data transmission switch integrated with the hand-supportable housing, for producing a data transmission activation control signal in response to activation of the data transmission switch; the control circuitry enabling communication of symbol character data produced by the laser scanning engine in the second scan mode of operation to the host device upon occurrence of a first set of predetermined conditions including receipt of the data transmission activation control signal produced by the data transmission switch, and the control circuitry disabling communication of symbol character data produced by the laser scanning engine in the second mode of operation to the host device upon occurrence of a second set of predetermined conditions including lack of receipt of the data transmission activation control signal produced by the data transmission switch; wherein the control circuitry enables communication of symbol character data produced by the laser scanning engine in the first scan mode of operation to the host device irrespective of the data transmission activation control signal produced by the data transmission switch; the laser light source being a visible laser light source.

Kahn et al teaches a bar code symbol reader comprising: a handsupportable housing (10) having a light transmission aperture (window 12) through which visible light can exit and enter the hand-supportable housing; a laser scanning engine (lasers 16 and 20, optics 18, collection optics 24, detector/array 26), disposed within the hand supportable housing, the reader

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selectively operating in one of first and second scan modes, the first scan mode being a fixed mode where the reader is mounted in a stand (80), the second mode being a hand-held or portable mode where the reader is picked up by the user; a data transmission subsystem (communication unit 113) in the handsupportable housing that operates under control of control circuitry (controller 36) to communicate the symbol character data produced by the laser scanning engine to a host device (cash register 89 and/or host computer 82, for example) operably coupled to the bar code symbol reading device; a manually-activated data transmission switch (trigger 40 incorporating dual trigger switches 70 and 71 or a single multi-position switch) integrated with the hand-supportable housing, for producing a data transmission activation control signal (for example, a signal instructing data transfer) in response to activation of the data transmission switch; the control circuitry enabling communication of symbol character data . produced by the laser scanning engine in the second scan mode of operation to the host device upon occurrence of a first set of predetermined conditions including receipt of the data transmission activation control signal produced by the data transmission switch (for example, in the hand-held or portable mode, the user will actuate a switch to instruct scanning of a bar code and then actuate a switch to instruct data transfer), and the control circuitry disabling communication of symbol character data produced by the laser scanning engine in the second mode of operation to the host device upon occurrence of a second set of predetermined conditions including lack of receipt of the data transmission activation control signal produced by the data transmission switch (for example,

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in the fixed mode, the reader will scan a bar code and perform data transfer through electrical contacts with stand 80); wherein the control circuitry enables communication of symbol character data produced by the laser scanning engine in the first scan mode of operation to the host device irrespective of the data transmission activation control signal produced by the data transmission switch (see figures 1-3, column 7 lines 17-67, column 8 lines 6-30, column 9 line 51 - column 10 line 9, and column 11 lines 8-43). Kahn et al also teaches the use of a visible laser light source (see column 11 lines 1-7).

In view of Kahn et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device and method as taught by Kumagai et al, a manually-activated data transmission switch integrated with the hand-supportable housing, for producing a data transmission activation control signal in response to activation of the data transmission switch; the control circuitry enabling communication of symbol character data produced by the laser scanning engine in the second scan mode of operation to the host device upon occurrence of a first set of predetermined conditions including receipt of the data transmission activation control signal produced by the data transmission switch, and the control circuitry disabling communication of symbol character data produced by the laser scanning engine in the second mode of operation to the host device upon occurrence of a second set of predetermined conditions including lack of receipt of the data transmission activation control signal produced by the data transmission switch; wherein the control circuitry enables communication of symbol character data produced by

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the laser scanning engine in the first scan mode of operation to the host device irrespective of the data transmission activation control signal produced by the data transmission switch; the laser light source being a visible laser light source, in order to allow the user to have greater control over the functions of the reading device.

7. Claims 4-11, 25-28, and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al as modified by Kahn et al further in view of Rockstein et al (US 5,260,553).

The teachings of Kumagai et al as modified by Kahn et al have been discussed above.

Kumagai et al as modified by Kahn et al fails to specifically teach a bar code symbol presence detection means in the hand-supportable housing for processing scan data so as to detect the presence of the bar code symbol on the object and to automatically generate a first control signal in response to the detection of the bar code symbol; decode processing means in the hand-supportable housing for processing scan data so as to decode the bar code symbol on the object and for automatically producing symbol character data representative of the decoded bar code symbol, and automatically generating a second control signal indicative of the production of the symbol character data; wherein the bar code symbol presence detection means detects the bar code symbol by detecting first and second envelope borders of the bar code symbol; wherein the laser scanning engine comprises object detection means in the hand-supportable housing, for detecting the objects in at least a portion of an

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object detection field defined relative to the housing and automatically generating a third control signal indicative of the detection of the object in at least a portion of the object detection field; control circuitry that selectively activates the bar code symbol presence detection means and the decode processing means in response to occurrence of the third control signal; wherein the object detection means comprises a signal transmitting means for transmitting a signal towards the object in the object detection field, and a signal receiving means for receiving the transmitted signal reflected off the object in at least a portion of the object detection field, and automatically generating the third control signal indicative of the detection of the object in at least a portion of the object detection field; wherein the signal transmitting means comprises an infra-red light source/laser diode for transmitting a pulsed infra-red light/laser signal, and wherein the signal receiving means comprises an infra-red light detector/photodetector disposed in the hand-supportable housing.

Rockstein et al teaches a bar code symbol reading device (1) comprising: a hand-supportable housing (14); a bar code symbol presence detection means (5) in the hand-supportable housing for processing scan data so as to detect the presence of a bar code symbol on an object and to automatically generate a first control signal (A2) in response to the detection of the bar code symbol; decode processing means (7) in the hand-supportable housing for processing scan data so as to decode the bar code symbol on the object and for automatically producing symbol character data representative of the decoded bar code symbol, and automatically generating a second control signal (A3) indicative of the

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production of the symbol character data; wherein the bar code symbol presence detection means detects the bar code symbol by detecting first and second envelope borders of the bar code symbol (see column 8 lines 22-33); wherein a laser scanning engine comprises object detection means (2) in the handsupportable housing, for detecting the objects in at least a portion of an object detection field defined relative to the housing and automatically generating a third control signal (A1) indicative of the detection of the object in at least a portion of the object detection field (the scan field); control circuitry (11) that selectively activates the bar code symbol presence detection means and the decode processing means in response to occurrence of the third control signal; wherein the object detection means comprises a signal transmitting means (23) for transmitting a signal towards the object in the object detection field, and a signal receiving means (25) for receiving the transmitted signal reflected off the object in at least a portion of the object detection field, and automatically generating the third control signal indicative of the detection of the object in at least a portion of the object detection field; wherein the signal transmitting means comprises an infra-red light source/laser diode for transmitting a pulsed infra-red light/laser signal, and wherein the signal receiving means comprises an infra-red light detector/photodetector disposed in the hand-supportable housing (see figures 1A, 2, 3B, 8A-10, column 1 lines 10-15, column 5 lines 20-40, column 5 line 63 column 6 line 4, column 6 lines 26-56, column 8 lines 22-33, column 11 line 61 column 15 line 26).

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In view of Rockstein et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device and method as taught by Kumagai et al as modified by Kahn et al, a bar code symbol presence detection means in the hand-supportable housing for processing scan data so as to detect the presence of the bar code symbol on the object and to automatically generate a first control signal in response to the detection of the bar code symbol; decode processing means in the handsupportable housing for processing scan data so as to decode the bar code symbol on the object and for automatically producing symbol character data representative of the decoded bar code symbol, and automatically generating a second control signal indicative of the production of the symbol character data; wherein the bar code symbol presence detection means detects the bar code symbol by detecting first and second envelope borders of the bar code symbol; wherein the laser scanning engine comprises object detection means in the hand-supportable housing, for detecting the objects in at least a portion of an object detection field defined relative to the housing and automatically generating a third control signal indicative of the detection of the object in at least a portion of the object detection field; control circuitry that selectively activates the bar code symbol presence detection means and the decode processing means in response to occurrence of the third control signal; wherein the object detection means comprises a signal transmitting means for transmitting a signal towards the object in the object detection field, and a signal receiving means for receiving the transmitted signal reflected off the object in at least a portion of the object

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detection field, and automatically generating the third control signal indicative of the detection of the object in at least a portion of the object detection field; wherein the signal transmitting means comprises an infra-red light source/laser diode for transmitting a pulsed infra-red light/laser signal, and wherein the signal receiving means comprises an infra-red light detector/photodetector disposed in the hand-supportable housing, in order to provide multiple modes of fully automated operation while conserving power and providing versatility (see column 1 lines 10-15, of Rockstein et al.)

8. Claims 20, 21, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al as modified by Kahn et al further in view of Wike, Jr et al (US 5,719,385).

The teachings of Kumagai et al as modified by Kahn et al have been discussed above.

Kumagai et al as modified by Kahn et al fails to specifically teach wherein the timing signals are derived from a position indicating optical element mounted adjacent a perimeter of one of the stationary mirrors, such that the position indicating optical element is illuminated by light produced from the laser light source when the rotating light directing element reaches a predetermined point in its rotation; wherein the position indicating optical element comprises a mirror that directs illumination incident thereon to a position indicating optical detector, which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon.

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Wike, Jr et al teaches a bar code symbol reading device (10), including: deriving timing signals from a position indicating optical element (a position indicating reflector, see column 3 line 66 - column 4 line 2) mounted adjacent a perimeter of a stationary mirror (one of pattern mirrors 16), such that the position indicating optical element is illuminated by light produced from a laser light source (12) when a rotating light directing element (rotating reflector 14) reaches a predetermined point in its rotation; wherein the position indicating optical element comprises a mirror (a position indicating reflector) that directs illumination incident thereon to a position indicating optical detector (a position indicating detector, see column 4 lines 2-6), which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon (see figure 1 and column 3 line 13 - column 4 line 6).

In view of Wike, Jr et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device and method as taught by Kumagai et al as modified by Kahn et al, wherein the timing signals are derived from a position indicating optical element mounted adjacent a perimeter of one of the stationary mirrors, such that the position indicating optical element is illuminated by light produced from the laser light source when the rotating light directing element reaches a predetermined point in its rotation; wherein the position indicating optical element comprises a mirror that directs illumination incident thereon to a position indicating optical detector, which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon, since an optical position detecting sensor is an art

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recognized functional equivalent to other position detecting sensors/systems (see column 3 line 62 - column 4 line 6).

9. Claims 22, 23, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al as modified by Kahn et al and Wike, Jr et al further in view of Traub (US 3,911,270).

The teachings of Kumagai et al as modified by Kahn et al and Wike, Jr et al have been discussed above.

Kumagai et al as modified by Kahn et al and Wike, Jr et al fails to specifically teach wherein the position indicating optical element comprises a light collecting lens that is operably coupled to a light guide to direct illumination on the light collecting lens to a position indicating optical detector, which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon; wherein the light guide comprises a fiber optic bundle.

Traub teaches a reading device (10) comprising: a light collecting lens (22) that is operably coupled to a light guide (26) to direct illumination on the light collecting lens to an optical detector (21), which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon; wherein the light guide comprises a fiber optic bundle (the light guide 26 is an optical fiber) (see figure 1 and column 2 lines 25-46).

In view of Traub's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device and method as taught by Kumagai et al as modified by Kahn et al and Wike, Jr et al, a light collecting lens that is operably coupled to a light guide to direct illumination

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on the light collecting lens to a position indicating optical detector, which generates an electrical signal whose amplitude corresponds to the intensity of light incident thereon; wherein the light guide comprises a fiber optic bundle, in order to allow greater flexibility in the mounting of the position indicating optical detector, since the use of a light guide does not require a direct line of sight between the reflector and the detector.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al as modified by Kahn et al further in view of the admitted prior art.

The teachings of Kumagai et al as modified by Kahn et al have been discussed above.

Kumagai et al as modified by Kahn et al and Rockstein et al fails to specifically teach the control circuitry comprising a 555 timer integrated circuit configured for mono-stable operation.

However, applicants admit that the use of control circuitry comprising a 555 timer integrated circuit configured for mono-stable operation was well known to those of ordinary skill in the art at the time of the invention (see page 42 lines 25-27).

In view of the admitted prior art teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the device as taught by Kumagai et al as modified by Kahn et al, the control circuitry comprising a 555 timer integrated circuit configured for mono-stable operation, in order to utilize proven and reliable circuitry, thereby increasing the dependability of the device.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dvorkis et al (US 2002/0139855 A1), Tamburrini (US 5,962,838), Asai (JP 11-203397 A) all teach bar code symbol reading devices having multiple scan patterns. Bassett (US 5,132,523) teaches changing the mode of an optical scanner upon placing the optical scanner on a stand. Apitz et al (US 4,465,926) teaches an optical reading device having a manually-activated data transmission switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

May 21, 2003

Jared J. Fureman Art Unit 2876